



RECORDS RETENTION AND DISPOSITION SCHEDULE AMENDMENT

COURT OF APPEALS

Amend the records retention and disposition schedule approved December 5, 1996 by revising Item 2329, Item 18627, and Item 39469 as shown on substitute page dated March 7, 2003.

APPROVAL RECOMMENDED




John H. Connell, Chief Records Officer
Court of Appeals


John H. Connell, Clerk
Court of Appeals

David J. Olson, Director
Division of Historical Resources

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CLERK COURT OF APPEALS
OF NORTH CAROLINA

APPROVED



Sidney S. Eagles, Jr., Chief Judge
Court of Appeals

Lisbeth C. Evans, Secretary
Department of Cultural Resources

March 18, 2003

LDR

COURT OF APPEALS

Records Retention and Disposition Schedule

The Records Retention and Disposition Schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provisions of Chapters 121 and 132 of the General Statutes of North Carolina, it is agreed that the records of the

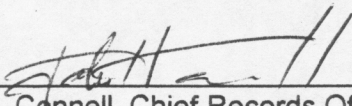
COURT OF APPEALS

do not and will not have further official use or value for administrative, research, or reference purposes after the respective retention periods specified herein. The N.C. Department of Cultural Resources consents to the destruction or other disposition of these records in accordance with the retention and disposition instructions specified in this schedule. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. Public records including machine readable records not listed in this schedule are not authorized to be destroyed. The

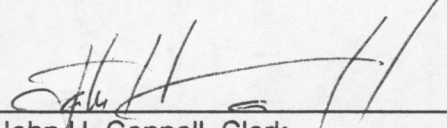
COURT OF APPEALS

agrees to destroy, transfer or dispose of records in the manner and at the times specified herein. This schedule is to remain in effect until superseded.

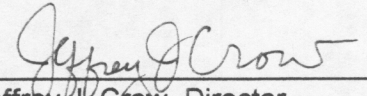
APPROVAL RECOMMENDED



John H. Connell, Chief Records Officer
Court of Appeals

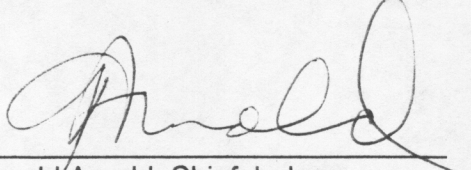


John H. Connell, Clerk
Court of Appeals

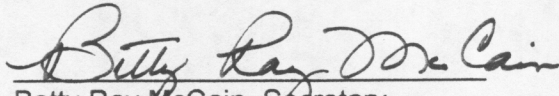


Jeffrey J. Crow, Director
Division of Archives and History

APPROVED



Gerald Arnold, Chief Judge
Court of Appeals



Betty Ray McCain, Secretary
Department of Cultural Resources

December 5, 1996

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Item 2329. PERMANENT RECORD FILE. Records concerning trial court proceedings and legal arguments. Each case file includes records on appeal, which provide complaint, summons, evidence, judgments, and charge to jury; briefs, which contain legal arguments of attorneys; original opinions; correspondence relative to case; certifications; motions and petitions; exhibits; and certificate of satisfaction of costs. File also includes two printed reference copies of records on appeal and briefs. Amended 03-18-03.

DISPOSITION INSTRUCTIONS: Transfer original opinions, judgments, and certificate of satisfaction of costs records to Judgments File (Item 39469) after 5 years. Destroy in office remaining records after 10 years.

Item 10507. EXHIBITS FILE. Exhibits submitted to Court of Appeals that are too large to be included in Permanent Record File (Item 2329). File includes photographs, printed materials, maps, plats, and diagrams.

DISPOSITION INSTRUCTIONS: Return exhibits to trial tribunal or to counsel of record when authorized by rules of Court. Destroy in office, or dispose of in accordance with instructions of Court, articles not returned to trial tribunal or parties or their attorneys within 3 years after Court mandate has been issued.

Item 10508. ACTIVE CASE BOARD FILE. Current cases which are active and are to be heard. Case files includes the records and briefs. (Six copies are maintained in each file shuck for courtroom use.)

DISPOSITION INSTRUCTIONS: Transfer to Records on Appeal and Briefs File (Item 10509) after case is heard by court.

Item 10509. RECORDS ON APPEAL AND BRIEFS FILE. Records concerning trial court proceedings and legal arguments. File includes reference copies of records on appeal, which provide complaint, summons, evidence, judgments, and charge to jury. File also includes reference copies of briefs which contain legal arguments of attorneys.

DISPOSITION INSTRUCTIONS: Transfer printed copies of cases in which a published opinion has been filed to North Carolina Law Schools. Destroy in office remaining records when reference value ends.

Item 10510. BOUND RECORDS ON APPEAL AND BRIEFS FILE. One bound set of each case in Records on Appeal and Briefs File dated prior to 1988. (Records are no longer being created as bound sets.)

DISPOSITION INSTRUCTIONS: Records transferred to Court of Appeals Library.

Item 10511. PETITIONS AND MOTIONS FILE. Legal requests for action by the court on matters where no appeal lies of right "refers specifically to Petition for Writ of Certiorari" to the Court oof Appeals or where no record on appeal is filed in the Court of Appeals. File also includes motions, petitions, court orders, and correspondence.

DISPOSITION INSTRUCTIONS: Destroy in office after 10 years. Destroy records currently stored in the State Records Center immediately.

Item 10512. ATTORNEY FEE LETTERS FILE. Records from trial court judges to appellate court providing recommendations for fees for attorneys for indigent defendants. File includes court forms and itemized time sheets.

DISPOSITION INSTRUCTIONS: Item discontinued. Destroy in office immediately.

COURT OF APPEALS

Item 10513. PRESS COPIES OF OPINIONS FILE. Case records which have been heard by the Court of Appeals and for which an opinion has been filed. File also includes reference copies of opinions. (File is utilized for reference by court attorneys and press.)

DISPOSITION INSTRUCTIONS: Destroy in office when reference value ends.

Item 10514. CORRESPONDENCE FILE. Correspondence, memorandums, and other related records concerning the organization and daily operation of the Court of Appeals.

DISPOSITION INSTRUCTIONS: Destroy in office when administrative value ends.

Item 10515. STATEMENT OF COSTS FILE. Cost Forms (COA-10) which provide an itemization of legal costs for each completed case where cost remains outstanding. Forms list case numbers, names of plaintiffs, names of defendants, costs allowed, dates Certificate of Satisfaction of Costs issued, and other related data.

DISPOSITION INSTRUCTIONS: Transfer to Closed Statement of Costs File (Item 39467) when Certificate of Satisfaction of Costs issued.

Item 10516. STATE CLERK'S ACCOUNTS FILE. Records concerning monies collected for State Clerk's Accounts. File includes bonds and disbursements ledgers and receipts. Information entered into State Clerk's Accounts Database (Electronic) File (Item 39471).

DISPOSITION INSTRUCTIONS: Destroy in office after 10 years or when released from all audits, whichever occurs later. Destroy records currently stored in the State Records Center 10 years from date received.

Item 10518. FINANCIAL STATEMENTS FILE. Financial statements for State Clerk's Account. Statements list bank balances and disbursements for designated periods of times. (Statements also reflect receipts and disbursements through account.)

DISPOSITION INSTRUCTIONS: Destroy in office after 1 year.

Item 10519. BANK STATEMENTS AND BOOKKEEPING RECEIPTS FILE. Bank statements and bookkeeping receipts for Clerk of Court's state account. File also includes cancelled checks, deposit slips, and itemized copies of daily receipts sent to Department of State Treasurer at end of each month.

DISPOSITION INSTRUCTIONS: Destroy in office after 10 years or when released from all audits, whichever occurs later.

Item 18627. PERSONNEL FILE. Records concerning office personnel. File includes applications, resumes, job descriptions, personnel action forms, and other related records. (Comply with applicable provisions of G.S. 126-22, 126-23, and 126-24 regarding confidentiality of personnel records.) Amended 03-18-03.

DISPOSITION INSTRUCTIONS: Transfer to the State Records Center 5 years after employee terminates service. Records will be held for agency in the State Records Center 25 additional years and then destroyed.

COURT OF APPEALS

Item 39467. CLOSED STATEMENT OF COSTS FILE. Cost Forms (COA-10) which provides an itemization of legal costs for each completed case. Forms list case numbers, names of plaintiffs, names of defendants, costs allowed, dates Certificate of Satisfaction of Costs issued, and other related data. File also includes reference copies of Certificate of Satisfaction of Costs.

DISPOSITION INSTRUCTIONS: Destroy in office after 10 years or when released from all audits, whichever occurs later.

Item 39468. DOCKET SHEETS DATABASE (ELECTRONIC) FILE. Machine readable records concerning each case. Electronic file includes case numbers, caption of cases, calendar dates, filing dates, docket dates, docket fees; dates the records, briefs, and motions filed, court orders, names and addresses of counsel, and other related data. (Electronic database systems are maintained by Information Services Division for Appellate Courts.)

DISPOSITION INSTRUCTIONS: Transfer printed copy of court orders to Permanent Records File (Item 2329) upon receipt. Agency representative will update electronic file periodically. Erase in office electronic file after 10 years.

Item 39469. JUDGMENTS FILE. Judgments concerning trial court proceedings and legal arguments. File also includes original opinions and certificate of satisfaction of costs. (Note: The judgment, original opinion, and certificate of satisfaction of costs for years 1986-1990 were transferred to the State Records Center incorrectly as Permanent Record File (Item 2329). As a result, these records were destroyed on February 12, 2002.) Amended 03-18-03.

DISPOSITION INSTRUCTIONS: Transfer to the State Records Center after 5 year(s). Records will be held in the State Records Center 5 additional years and then microfilmed. Paper records will be destroyed in the State Records Center after microfilming. After completion of microfilming and all quality control procedures, the original copy (silver-halide) of microfilm will be transferred to the custody of the Archives for permanent storage in the vault. A duplicate copy of the microfilm may be purchased and retained by the agency permanently.

Item 39470. PERMANENT DOCKET SHEETS FILE. Docket sheets concerning each case. Docket sheets include case numbers, caption of cases, calendar dates, filing dates, docket dates, docket fees; dates the records, briefs, and motion filed, names of counsels, and other related data. Information entered into Docket Sheets Database (Electronic) File (Item 39468).

DISPOSITION INSTRUCTIONS: Transfer to the State Records Center after 10 years to be microfilmed for permanent storage in the security vault. Paper records will be destroyed in the State Records Center after microfilming. A copy of the microfilm will be sent to Archives for reference use and a copy of the microfilm will be sent to the agency for permanent retention.

Item 39471. STATE CLERK'S ACCOUNTS DATABASE (ELECTRONIC) FILE. Machine readable records concerning monies collected for state clerk's accounts. Electronic file includes dates money collected, case numbers, names of payees, check numbers, litigants' fees, amounts of bonds, and other related data. (Electronic database systems are maintained by Information Services Division for Appellate Courts.)

DISPOSITION INSTRUCTIONS: Erase in office electronic file after 10 years. Update in office electronic file periodically.

COURT OF APPEALS

Item 39472. STATE CLERK'S ACCOUNTS PRINTOUTS FILE. Computer generated printouts produced from State Clerk's Accounts Database (Electronic) File (Item 39471). Printouts list case numbers, dates money collected, check numbers, litigants' fees, amounts of bonds, and other related data.

DISPOSITION INSTRUCTIONS: Destroy in office when reference value ends.